# Executive Summary
# Direct Investigation Operation Report

## Government's Regulation of Occupational Safety and Health in Construction Industry

### Introduction

Engaging in works projects of different scales ranging from major infrastructures, public works[1], housing development and building repairs to small-scale flat renovation works, the construction industry makes significant contribution to the economic development of society and improvement of people's living environment. In recent years, fatal industrial accidents in construction works have occurred frequently, attracting widespread public concern. At present, the main legislation regulating occupational safety and health ("OSH") includes the Occupational Safety and Health Ordinance (Cap. 509, Laws of Hong Kong), the Factories and Industrial Undertakings Ordinance (Cap. 59, Laws of Hong Kong) and their subsidiary regulations.

2. In this direct investigation operation, the Office has thoroughly examined various aspects of OSH in the construction industry, covering the Labour Department ("LD")'s inspections and enforcement actions, monitoring of registered safety auditors and registered safety officers, regulation of high-risk operations, and follow-up action on accidents; the Buildings Department ("BD")'s regulation of registered contractors; the Development Bureau ("DEVB")'s monitoring of public works and contractors; the use of innovation and technology; safety education and training; as well as publicity and promotion.

3. During our direct investigation operation, the current-term Government has proactively introduced an array of improvement measures, which include amending the OSH legislation to increase the overall level of penalties for greater deterrent effect; revising various codes of practice to enhance technical requirements; conducting a number of special enforcement operations to curb unsafe operations; updating the content of mandatory safety training courses to raise workers' safety awareness; improving the mechanism for processing renewal of contractors' registration; formulating proposed amendments to the Buildings Ordinance to tighten the regulation of contractors; strengthening the regulation of contractors on the "List of Approved Contractors for Public Works" and the "List of Approved Suppliers of Materials and Specialist Contractors for Public Works" (collectively referred to as the "approved lists") with unsatisfactory safety performance; and making great efforts to promote the adoption of the Smart Site Safety System. The Government's endeavours are highly commendable.

---

[1] Public works refer to works carried out at construction sites under the Architectural Services Department, the Drainage Services Department, the Electrical and Mechanical Services Department, the Highways Department, the Water Supplies Department and the Civil Engineering and Development Department.

4. Nevertheless, we continue to see occurrence of fatal industrial accidents, and the situation is worrying. Based on our findings, the Office considers that there is still room for improvement in different areas on the part of the three authorities:

## Our Findings

### (I) LD'S REGULATION OF HIGH-RISK OPERATIONS

***Strengthening Monitoring of "Competent Persons" Engaging in Various High-risk Operations***

5. The construction industry involves high-risk operations such as bamboo scaffolds (including truss-out scaffolds), suspended working platforms, lifting operations and confined spaces, which can only be carried out after a "competent person" or a "competent examiner" (collectively referred to as "competent persons") has certified their safety pursuant to relevant legislation.

6. Our investigation revealed a number of cases where the "competent persons" signed a prescribed form without properly inspecting the high-risk plant or machinery, or even signed the form in advance. In certain cases handled by LD and its inspections that we joined, a "Form 5" signed by a "competent person" certifying that a bamboo scaffold had been inspected and that it was in safe working order was displayed on the scaffold. However, the date of inspection shown on the form was a future date. There were also cases where a "Form 5" had already been signed before the completion of the bamboo scaffolding or no inspection date was recorded on the form. Obviously, in practice, "Form 5" is unable to show that the subject scaffold has been inspected and is in safe working order. Moreover, in its investigation into a fatal industrial accident concerning a lifting appliance, LD found that two registered professional engineers acting in the capacity of "competent examiners" signed prescribed forms certifying that the lifting appliance was in safe working condition, but they actually had not carried out the required tests and examination.

7. We understand that even with a full-fledged regulatory regime and diligent performance by all parties, accidents cannot be completely avoided. That said, some "competent persons" did fail to carry out inspections or examinations properly but irresponsibly signed forms to certify the safety of the equipment. Such reckless acts put the safety of workers and the public at risk. These persons failed to live up to their obligation and the public's expectation, and should be ashamed of themselves for failing on their part as professionals.

8. LD has put in place codes of practice for different kinds of high-risk operations to provide guidelines on how "competent persons" should carry out inspections or examinations, but the codes of practice generally do not contain any inspection checklists. We recommend that LD explore formulating templates of inspection checklist for different types of high-risk operations and attach them to the relevant codes

of practice for use by "competent persons" during inspections or examinations to tighten control.

9. The prevailing legislation only requires various kinds of "competent persons" to sign a prescribed form to state the result of inspection or examination, i.e. whether the plant or machinery is in safe working condition, and to deliver the signed form to the contractor for record and inspection by LD's occupational safety officers upon request. As regards the actual inspection or examination records of "competent persons", LD's requirements for various kinds of high-risk operations differ pursuant to the risk-based principle. "Competent persons" should base their judgement on facts and evidence, and they should provide evidence to prove that they have duly conducted the inspection or examination. We recommend that LD conduct a comprehensive review of the existing requirements for maintenance of inspection records by "competent persons" regarding different types of high-risk operations, specifying the inspection records to be maintained and the need to produce such records upon the instruction of LD officers.

10. Furthermore, we are of the view that LD should consider implementing a random checking system to examine the inspection records of "competent persons" during visits to construction sites so as to enhance monitoring. In case of any breach of OSH legislation by "competent persons" found, LD should continue to take stringent enforcement actions. Apart from instituting prosecutions, LD should also refer cases of misconduct of "competent persons" to the organisations responsible for their registration for examining their professional qualifications or taking disciplinary action. In the long run, LD should explore the development of an electronic platform for contractors and "competent persons" to upload inspection records and forms to facilitate monitoring and random checking so as to curb unprofessional or even fraudulent conduct such as filling in the inspection date in advance.

***Utilising Experience from Special Enforcement Operations to Enhance Effectiveness of Routine Safety Inspections***

11. In recent years, apart from various types of planned special enforcement operations as preventive measures, LD has also carried out a number of special inspection or enforcement operations subsequent to fatal industrial accidents. Each operation usually lasted for two weeks during which LD would intensively conduct a round of territory-wide inspections at construction sites undergoing the same work processes involved in those accidents. LD's operations have revealed multiple cases of irregularities and on each occasion, LD issued a large number of statutory notices and instituted prosecutions, reflecting serious non-compliance in the industry.

12. In our opinion, LD should examine how to utilise the experience gained in the special enforcement operations against high-risk operations in further enhancing the effectiveness of routine safety inspections so as to identify and handle unsafe operations in construction sites as soon as possible.

## (II) LD'S INSPECTIONS

### *Reviewing Guidelines on Inspections*

In-depth Surprise Inspections

13. LD arranges in-depth surprise inspections to construction sites with poor safety performance and suspected deficiencies in the safety system. In one case, LD had conducted an in-depth surprise inspection at a construction site and issued a number of improvement notices and instituted prosecutions, but a fatal incident of falling from height still happened. There is another case where LD had received many complaints and issued a number of improvement notices within two years prior to the fatal accident, and the construction site involved incidents resulting in injuries. Yet, LD still did not conduct any in-depth surprise inspection.

14. LD puts in a great amount of resources in conducting in-depth surprise inspections and should strive to ensure their effectiveness. We recommend that LD review the operational guidelines on the conduct of in-depth surprise inspections for more precise selection of high-risk construction sites and proper follow-up on sites inspected to ensure systemic improvement of site safety.

Area Patrols

15. As LD may not be notified of some renovation and repair works under the notification mechanism, its occupational safety officers conduct regular area patrols to inspect construction sites with higher risk (in particular those involving truss-out scaffolds) but not reported to the Department so as to ensure site safety. In this regard, LD has not issued any guidelines on how occupational safety officers should identify high-risk construction sites systematically and prioritise the sites to be inspected. Hence, occupational safety officers can only identify high-risk sites by their own professional judgement and prioritise the sites according to the risk-based principle. We recommend that LD provide guidelines on area patrols to occupational safety officers to guide the identification of construction sites with higher risk for inspection.

### *Improving Site Inspection Records and Their Compilation*

16. When inspecting construction sites, LD's occupational safety officers record results of inspections and follow-up recommendations on inspection worksheets, site information tables, machinery lists, inspection checklists and file notes. Having scrutinised the files provided by LD, we noticed that not all occupational safety officers would complete the inspection checklists and that the file notes were very brief, usually containing only the number of workers and a general description of the processes undergone at the construction sites. However, the work processes, equipment and documents that had been inspected were not specified, and the inspection results were not recorded.

17. In our view, the inspection records currently compiled by LD officers are too brief to provide an objective basis to facilitate internal review for improving the inspection quality. To ensure effective monitoring through inspections, LD should remind occupational safety officers of the importance of proper compilation of inspection records and provide guidance on ways of improvement so as to facilitate examination of the inspection quality by the management.

18. Further, there was a case where a subcontractor had failed to conduct safety audit as required by law and no safety committee was set up. However, the occupational safety officers had not noticed these breaches during routine inspections. We believe that this has to do with the absence of the item "Safety Committee" on the existing inspection checklist such that the occupational safety officers omitted to check for compliance during inspections. LD should thoroughly review and improve the inspection checklist to ensure that all important items are included, and require occupational safety officers to record the results of each item during inspections.

19. During our site inspections with LD, we noticed that occupational safety officers would make records of various items of information on paper and take photographs. Upon returning to office, the occupational safety officers would tidy up the inspection records using computer, and the records would then be printed in physical file and submitted to senior officers for approval. Besides, when compiling certain statistical figures, LD has to collect and collate reports from frontline staff of different districts. The process consumes manpower resources. We consider that LD should review the process of reporting work by occupational safety officers to identify areas for streamlining, and explore how to utilise information management systems to reduce document processing for efficiency enhancement. Furthermore, as the current-term Government is vigorously pursuing the development of digital government, LD should explore wider use of advanced technology and procurement of suitable electronic products to facilitate inspections and enforcement actions by frontline staff.

***Selecting Suitable Construction Sites of Private Developments for Participating in Meetings of Safety Committees***

20. Where the number of workers employed for a construction site or the contract value of a construction works project reaches a prescribed number or amount, the contractor is required by law to set up a safety committee. Offering a platform for the principal contractor, subcontractors, registered safety officers, worker representatives, etc. to exchange views on OSH matters, the safety committee plays an important role in ensuring OSH of construction sites. The contractor should make sure that the committee holds a meeting at least once every three months. Our case studies revealed that some subcontractors failed to set up a safety committee while some were frequently absent from meetings of the safety committee. These examples show that some contractors ignore the importance of safety committees.

21. LD assesses the compliance with the requirement of setting up safety committees through vetting the audit reports compiled by registered safety auditors and checking the minutes of meetings of safety committees during occupational safety officers' site inspections. In our view, LD's current monitoring places too much emphasis on checking of documents and is of limited effectiveness. LD should consider devising a mechanism for selecting suitable construction sites of private developments to participate in meetings of safety committees, so as to stay in tune with the safety risks of the sites and give advice and urge contractors to manage site safety.

***Enhancing Statutory Notification Mechanism for Construction Works As Soon As Possible***

22. Under the current legislation, contractors are required to notify LD of construction works which has a construction period not less than six weeks and employs more than ten workers, within seven days after the commencement of the works. Having analysed previous fatal industrial accidents in the construction industry, LD found that many of them involved high-risk operations of a shorter construction period or hiring a small number of workers. In this light, LD started in 2021 to formulate a proposal to expand the scope of statutory notification of construction works and to shorten the time frame for such notifications. We recommend that LD continue to pursue the legislative amendment work to enhance the statutory notification mechanism for construction works.

***Reviewing Methods of Calculation and Maintenance of Data Regarding Construction Sites and Inspections***

23. Upon receipt of a contractor's statutory notification of construction works, the occupational safety officers of LD are required to conduct the first inspection within a stipulated period and give specific OSH advice according to the situation of the site. Without a designated office to coordinate the processing of notification forms received, LD has not maintained the number of construction sites reported under the statutory notification mechanism. Nor has LD compiled the compliance rate for the conduct of the first inspection, making it difficult to monitor staff's performance. We recommend that LD maintain the number of construction sites reported under the statutory notification mechanism through an information computer system, and compile the compliance rate for the conduct of the first inspection for monitoring purposes.

24. Meanwhile, LD currently maintains only the number of routine safety inspections conducted but not the corresponding number of construction sites inspected. Also, the inspection figures are calculated on the basis of the number of LD staff involved in the inspections. In our view, such calculation method could not demonstrate the relationship between the actual number of inspections conducted and the number of construction sites involved. Moreover, while LD has maintained data on the number of unfinished construction works (a total of 35,971 construction sites as at the end of 2024), no breakdown figures on "new works" and "renovation and repair works" are available. We do not find LD's current mode of data calculation and maintenance useful for

analysis purposes. LD should review and improve the current mode of calculation and maintenance of data regarding construction sites and inspections to ensure effective analysis for formulation and adjustment of work strategies.

## (III) LD'S ENFORCEMENT ACTIONS AND PROSECUTIONS

***Taking More Proactive Steps to Handle Construction Sites Subject to Multiple Improvement Notices***

25. In case of irregularities found, LD will issue an improvement notice to the contractor concerned to demand rectification. A case shows that LD had repeatedly issued improvement notices to a contractor regarding unsafe operations of different situations of work-at-height prior to the occurrence of a fatal accident. But the contractor still had not made improvement and the fatal accident of falling from height happened. In our opinion, when the same kind of irregularities (such as unsafe operations of work-at-height) has been found repeatedly in a construction site, LD should, in addition to issuing improvement notices to demand rectification of individual irregularities, strengthen the intensity of enforcement and even adjust its strategies so as to urge systemic improvement of the construction site.

***Ongoing Review of Penalties for Convicted Cases***

26. The average amounts of penalty imposed on offenders of OSH legislation in the construction industry between 2018 and 2023 ranged from $8,127 to $10,522, which is obviously inadequate to bring about deterrent effect. Among those offenders, the two contractors having the largest and the second largest numbers of convictions during the six years had been convicted for 77 and 56 times respectively. This reflects that some contractors in the construction industry are repeated offenders, and their disregard for OSH was indeed staggering.

27. We are pleased to learn that the Occupational Safety and Occupational Health Legislation (Miscellaneous Amendments) Ordinance 2023, which took effect on 28 April 2023, has significantly increased the penalties for contravention of OSH legislation and extended the time limit for prosecution, so as to enhance the deterrent effect and allow LD more time to collect evidence. Since the new penalty levels have taken effect for only a short period of time, data on LD's prosecutions brought under the amended legislation and court sentence is limited. For the time being, we are unable to comment on the deterrent effect of the new penalty levels. As the construction industry has still recorded fatal industrial accidents from time to time, LD should take stringent enforcement actions and make good use of the extended time limit for prosecution to collect evidence as well as institute prosecutions against suitable cases on indictment to increase the deterrent effect. Moreover, LD should, after the new penalties for OSH offences have been in force for a period of time, conduct a systemic analysis to review its prosecution work and the penalties imposed by the Court in convicted cases.

## (IV) LD'S MONITORING OF REGISTERED SAFETY AUDITORS AND REGISTERED SAFETY OFFICERS

***Taking More Proactive Steps to Monitor Registered Safety Auditors And Registered Safety Officers***

28. For larger-scale construction sites, contractors are required by law to employ a full-time registered safety officer to assist in promoting the safety and health of employees in the construction sites. The contractors are also required to appoint a registered safety auditor to carry out safety audit of the site's safety management system at least once every six months and to make recommendations for improvement to the contractors. These two types of safety personnel are required to obtain registration from the Commissioner for Labour.

29. LD will put any safety personnel in a monitoring list for one year if the safety personnel fail to properly perform their duties; serious or fatal industrial accidents have taken place at the construction sites where they work; they have been complained against for their performance or professional conduct; or LD has conducted in-depth surprise inspections at the construction sites where they work.

30. Our case studies revealed that LD's monitoring of registered safety auditors and registered safety officers on the monitoring list has been very passive. For example, after the occurrence of fatal accidents, LD only interviewed once the registered safety officers on the monitoring list because the registered safety officers had resigned or taken up other positions and no longer worked as safety officers. After one-year monitoring, LD removed the safety officers from the list in the absence of obvious inadequacy found on the part of the safety officers. Similarly, when handling registered safety auditors on the monitoring list, LD was more concerned whether they have notified the Department of the commencement or completion of safety audit and submitted an audit report in a timely manner. We reckon that LD should consider taking more proactive steps in following up on the performance of registered safety auditors and registered safety officers on the monitoring list by, for example, making close observations of their actual performance at construction sites and careful examination of the reports they submit so as to enhance the quality of their work.

31. Meanwhile, LD assesses whether registered safety auditors have duly performed their duties by scrutinising the safety audit reports submitted and inspecting the conduct of safety audits by registered safety auditors. Between 2018 and 2023, LD received a yearly average of 3,253 safety audit reports involving 1,844 construction sites. During the period, LD, however, had only inspected four times the conduct of safety audit by registered safety auditors. In our view, the number of site visits made by LD was too low even taking into account the impact of the pandemic on its work. It would be difficult for LD to exercise comprehensive and effective regulation simply by examining the reports compiled by registered safety auditors. LD should more proactively inspect the conduct of safety audit by registered safety auditors and consider setting a percentage of random checks. By doing so, LD can alert registered safety

auditors to its random checks on their work in order to urge upon them the need to carefully perform their duties. It can as well enable LD to monitor safety auditors' performance and give advice on any areas for improvement through means other than scrutiny of audit reports.

***Assisting Registered Safety Auditors and Registered Safety Officers to Enhance Quality of Work***

32. Having examined a number of fatal accidents, we noticed that many of them are attributable to irregularities in site operations which were not easily detectable from routine safety inspections and such irregularities resulted in unsafe situation. We consider that LD should, drawing on the painful lessons from previous fatal accidents, remind site personnel including registered safety officers and registered safety auditors of the issues to which they should pay attention during routine inspections or safety audit so as to strengthen their ability to detect irregularities in site operations and enhance the quality of their work.

## (V) BD'S REGULATION OF REGISTERED CONTRACTORS

***Omission of LD's Referrals for Consideration of Disciplinary Action***

33. BD and LD have established a referral mechanism for disciplinary action against registered contractors with poor performance in construction safety. According to relevant guidelines, BD considers two criteria in determining whether disciplinary action should be taken against a registered contractor: the contractor has been convicted of five or more site safety offences relating to building works in the same construction site in six consecutive months ("Criterion 1"); or the contractor has been convicted of site safety offences relating to building works which involved serious accidents (including death, amputation of limbs or serious damage to works or property) ("Criterion 2").

34. Our investigation revealed that BD had taken disciplinary action against a registered contractor in only one case between 2011 and 2021. Against the annual average of 20 fatal industrial accidents in the construction industry and even though not all such accidents related to building works, the caseload of disciplinary action taken by BD obviously could not reflect the actual situation. In fact, as revealed in the nine convicted cases that we randomly selected from LD's referrals to BD between 2012 and 2014, which were all fatal accidents relating to building works (i.e. cases meeting Criterion 2), BD had failed to take necessary follow-up action.

35. We are glad to see that BD has responded positively to our observations by taking the initiative to clarify with LD the procedures for provision of information under the referral system and striving to process cases previously omitted. BD has now proactively requested LD to provide details of 58 convicted cases of site safety offences relating to building works and fatal incidents. We recommend that BD speed up

processing of the cases previously omitted and promptly refer those warranting disciplinary action to the Registered Contractors' Disciplinary Board so as to bring non-compliant contractors to account.

### *Cumbersome Procedures of Disciplinary Action*

36. As regards the only case that BD had taken disciplinary action between 2011 and 2021 mentioned above, it took more than six years from the occurrence of the fatal accident to BD's completion of disciplinary action. We have examined the sequence of events of this case and found delays in different time points. We are glad to note that BD agreed with our observations that improvement should be made to enhance efficiency. BD has put in place new arrangements since October 2023 and implemented time indicators for handling cases of disciplinary action since early 2025. We recommend that BD set up a mechanism for internal monitoring to ensure timely follow-up on all referrals from LD for consideration of disciplinary action against convicted contractors.

37. On 31 December 2024, DEVB launched a public consultation exercise for proposals to amend the Buildings Ordinance. Some of the proposed amendments related to enhancement of the disciplinary system, which include simplifying the composition of the disciplinary boards of registered contractors and increasing the maximum fine for disciplinary sanction from $250,000 to $400,000. We reckon that these proposed amendments should be able to enhance the deterrent effect. DEVB and BD should expedite the amendment to the Buildings Ordinance to enhance the disciplinary system.

### *Reviewing the Criteria for Taking Disciplinary Action*

38. The referral mechanism established with LD has been in place since 2002. In more than 20 years from 2002 to 2023, BD had identified only three cases that met Criterion 1 for consideration of disciplinary action. This shows that the threshold is too high to serve its purpose. In particular, this criterion only deals with a contractor's convictions relating to one single construction site, barring circumstances where a contractor has repeatedly contravened OSH legislation in different construction sites. In our view, BD should review Criterion 1 under the disciplinary system and consider whether the threshold should be lowered for more effective prevention.

### *Exploring Closer Collaboration with LD on Accident Investigations*

39. Fatal industrial accidents in the construction industry may result in prosecutions instituted by LD pursuant to OSH legislation, and if they are related to building works, BD may also institute prosecutions under the Buildings Ordinance. While the focus of follow-up actions by BD and LD vary, there is room for collaboration between the two departments on investigation of facts including the cause of accidents. We note that in recent years BD and LD have enhanced their collaboration in this regard. We recommend that BD and LD explore any room for further collaboration on accident investigations to enhance the efficiency and effectiveness of their investigation work.

## (VI) DEVB'S MONITORING OF PUBLIC WORKS

40. Relevant data shows that site safety has obviously been better maintained in public works than in the entire construction industry. While it is not by luck but achieved by effective regulation, we consider that there is still room for improvement.

***Adequate Consideration Not Given to Contractors' Previous Performance of Site Safety under Tender Evaluation System for Public Works***

41. We have randomly selected 12 public works projects involving fatal industrial accidents between 2020 and 2023 and examined the scores that the contractors concerned (i.e. the successful tenderers) were given regarding site safety performance in the tender evaluation. We found in many contracts that the successful tenderer was given a rather low score regarding site safety performance, and some were even given the lowest score among all the tenderers. Yet, given other considerations in the tender evaluation, those successful tenderers still managed to win the bid because of their higher scores in respect of the tender price or technical performance. The score gaps regarding site safety performance among tenderers were insignificant.

42. Although the Office found no systemic occurrence of "the lowest bid wins" situation in the tender evaluation of public works, our case studies did show that adequate consideration had not been given to tenderers' previous performance of site safety. The reason is that items relating to site safety did not weigh much and the score gaps between tenderers were narrow, thereby bringing insignificant impact on the overall outcome. During this direct investigation operation, DEVB introduced a new tender evaluation system whereby a merit or demerit point would be applied having regard to the tenderer's previous performance of site safety. We recommend that DEVB continue to review the tender evaluation system for public works in a timely manner to ensure that only contractors whose performance meets the safety standards would be awarded contracts.

***Reviewing Requirements for Taking Regulating Action against Public Works Contractors***

43. Under the existing regime, DEVB may initiate a panel of enquiry and take regulating action against a contractor on the approved lists if the contractor: (1) has recorded serious incidents[2] in the construction sites under its operation (regardless of whether the incidents took place in the construction sites of public works or private development projects); or (2) has convicted of five or more site safety offences in any six-month period. The second regulating requirement aims to allow early intervention by relevant departments to urge contractors with poor safety performance to adopt improvement measures so as to avoid more serious accidents. Between 1999 and 2008, there were 27 regulating actions taken in accordance with the second regulating requirement. The number of such actions drastically dropped to one between 2009 and 2018, and further dropped to zero between 2019 and 2023. This shows that the threshold

[2] Serious incidents refer to fatal incidents, amputation due to serious injuries, etc.

may be too high for accident prevention.

44. We are pleased to note that DEVB introduced a new measure in July 2023 to require that any contractors on the approved lists having recorded dangerous occurrences[3] in their construction sites (regardless of whether the accidents took place in the construction sites of public works or private development projects) must conduct an independent safety audit to review its safety management system. In our opinion, such amendment can help the authorities to address the safety risk of contractors as early as possible. That said, the number of fatal industrial accidents has not dropped, with six recorded for construction sites of public works in 2023. We consider it necessary for DEVB to continue to review the regulating requirement regarding contravention of legislation related to site safety for more effective prevention of accidents.

***Instructing Works Departments to Learn from Previous Accidents and Strengthen Monitoring of Site Safety***

45. We have examined three fatal accidents taken place in the construction sites of public works projects. According to LD's accident investigation reports, there were a number of obviously unsafe operations but they went unnoticed. Works departments are duty bound to ensure site safety of public works projects. We note that, after occurrence of serious incidents, DEVB would issue safety alerts to works departments and request them to convene seminars to share the circumstances of the serious incident and improvement measures implemented with all other works departments. DEVB's management also holds regular meetings with the heads of works departments to review cases of serious incident, discuss improvement measures and supervise their implementation.

46. In our view, conducting post-incident reviews and taking remedial measures are of paramount importance. DEVB should continuously instruct all works departments to learn from previous accidents and stringently monitor the site safety performance of contractors to ensure safety.

## (VII) USE OF INNOVATION AND TECHNOLOGY

***Encouraging and Supporting Wider Use of Smart Site Safety System***

47. In recent years, DEVB has made great efforts to promote wider use of the Smart Site Safety System in the construction industry to provide workers with a safer working environment. Relevant data show that the adoption of the Smart Site Safety System has contributed to improvement in site safety in public works projects. DEVB and the Construction Industry Council ("CIC") have also implemented various measures

---

[3] Dangerous Occurrences refer to those set out in Schedule 1 to the Factories and Industrial Undertakings Regulations or those in Schedule 1 to the Occupational Safety and Health Ordinance. For example, collapse of a crane or any part thereof used in raising or lowering persons or goods; or the overturning of a crane; electrical short circuit or failure of electrical machinery, plant or apparatus, attended by explosion or fire or causing structural damage thereto.

to promote the use of the Smart Site Safety System in private development projects. We recommend that after various promotional measures have been implemented for a period of time, DEVB review the adoption of the Smart Site Safety System and, with reference to the feedback from the industry, make greater efforts to encourage and support wider use of the system in private development sites so as to enhance site safety by means of technology.

***Investigating the Cause of Accidents in Public Works Project Sites with Full Adoption of Smart Site Safety System***

48. Meanwhile, there were accidents in certain public works project sites where the Smart Site Safety System has been fully adopted. In our view, DEVB should thoroughly examine the causes of those accidents to identify the problem, implement improvement measures and share the lessons learnt with the industry, thereby maximising the effectiveness of the system in preventing accidents.

## (VIII) SAFETY EDUCATION AND TRAINING

***Exploring Extension of Safety Training in Public Works to Private Works Projects***

49. Our case studies of fatal accidents revealed inadequate safety training for site personnel of private works projects including workers and foremen. For example, a worker was not provided specific training for working on bamboo scaffolding, and the foremen of the principal contractor failed to supervise the worker on the day of accident. A foreman of a contractor revised the design of installation of stanchion on his own and failed to monitor the installation of stanchions. A worker operating drilling units simply relied on his own experience to determine the progress of drilling and the control of air pressure. A worker was not provided with safety training on the lifting of deck panels by the contractor and no personnel was arranged on the site to guide and supervise the worker.

50. Industrial accidents and resultant casualties are obviously less serious a problem in public works than in the entire construction industry. The Office reckons this may be attributable to the safety training of public works projects. We recommend that DEVB share with CIC the experience of safety training in public works for its consideration of offering subsidies as incentive, with a view to extending such safety training to private works projects to enhance site safety.

***Stepping up Monitoring of Mandatory Safety Training Courses***

51. By law, construction site workers and workers engaging in specified high-risk industries, high-risk activities or machinery operation must attend mandatory safety training courses recognised by LD and obtain the relevant certificate. Apart from vetting applications for recognition of mandatory safety training courses and nominated trainers, LD also conducts surprise checks and handles complaints to ensure the quality

of course providers and trainers. In 2024, LD announced a number of cases involving serious irregularities. While LD has taken necessary actions, such cases inevitably affect public confidence in the quality of course providers and even the personnel working in the construction industry.

52. As an important part of LD's education and training strategy, mandatory safety training courses are crucial to improving OSH in the construction industry. We recommend that LD step up the monitoring of course providers and trainers engaging in mandatory safety training courses and carry out surprise checks in a timely manner to ensure their quality. In case of irregularities, LD should be decisive in taking regulatory action.

***Continuously Enriching the Content of Safety Training Courses***

53. LD conducts routine safety inspections to construction sites and investigates the cause of accidents after their occurrence. The Department has a full grasp of the safety performance of frontline site workers, and such information and analysis are very useful reference for training. We recommend that LD continue to share with CIC and the Occupational Safety and Health Council ("OSHC") its observation from routine inspections and enforcement actions as well as lessons learnt from accidents for designing or reviewing the content of safety training courses.

## (IX) PUBLICITY AND PROMOTION

***Coordinating Release of Information on OSH in Construction Industry***

54. Currently, LD, BD, DEVB, OSHC, CIC and the Property Management Services Authority are among the government departments and public organisations participating in the promotion of OSH in the construction industry. Each of them releases information through their website on their own. With no coordination, we find current information rather disorganised. It may be difficult for the industry and the public to look for the information they need, thereby undermining the dissemination of messages.

55. In our view, LD being the primary department responsible for the regulation of OSH in the construction industry should consider coordinating efforts of relevant departments and organisations to set up a thematic website on OSH in the construction industry to provide a convenient platform for various stakeholders and the public to look for information they need, saving them troubles of checking different channels. We believe that setting up a thematic website on OSH in the construction industry can facilitate publicity and promotion among stakeholders. Recognising that setting up a one-stop website is a complicated task requiring massive resources and coordination, we opine that LD may, as a short-time measure, consider providing on its website hyperlinks to information from various departments and organisations in a systematic manner, categorised by topics relating to OSH in the construction industry, for reference

by stakeholders and members of the public.

***Raising Awareness of OSH in Renovation and Repair Works***

56. Between 2018 and 2023, there were 45 fatal accidents relating to renovation and repair works in total, accounting for a significant 42% of the total number of fatal accidents (i.e. 108 cases) in the construction industry. Renovation and repair works for buildings often involve truss-out scaffolding which is a high-risk operation. Yet, as renovation and repair works usually require a shorter construction period and fewer workers to complete, they are often not subject to statutory notification to LD.

57. Based on the case studies of fatal accidents and LD's site visits that we joined, our investigation identified many safety issues associated with renovation and repair works. Workers showed inadequate safety awareness, which was reflected in their failure to wear a safety helmet, or their wearing a full body harness in a wrong way or even not wearing it. No "competent person" monitored scaffolding by workers on the site. Eye bolt was not examined by a "competent examiner". Staff of property management companies and residents did not know about the safety requirements for scaffolding. All these reflect serious inadequacies of safety measures for renovation and repair works and a lack of safety awareness among workers and even property management companies and residents.

58. Of the 45 fatal accidents relating to renovation and repair works between 2018 and 2023, only 16 cases (36%) were reported via the statutory notification mechanism to LD for commencement of works prior to the accidents as required by law. As regards the remaining 29 cases (64%), LD had not received any voluntary notification. In our view, LD should step up its publicity and encourage owners' corporations, owners and residents engaging in renovation and repair works to notify LD of such works via property management companies for timely action by LD.

59. We recognise the sheer volume of renovation and repair works undergoing throughout the territory. In 2024, LD received a total of 9,179 notifications of works from the Hong Kong Association of Property Management Companies Limited and the Housing Department. LD alone can hardly ensure the safety of this kind of works, and property management companies, owners' corporations and residents should also take part in the monitoring. Nevertheless, based on our observation, members of the public have very limited understanding of their legal liability concerning renovation and repair works and the risk of claims arising from such works, mistakenly believing that only contractors would be liable. Although LD's leaflets do mention that property management companies, owners' corporations and residents may be legally liable to any accidents involving casualties that arise from renovation and repair works of buildings or flats and the pertinent claims, we have reservation whether the message has been effectively conveyed to the public.

60. We consider that LD should step up publicity and education among owners, owners' corporations, property management companies and residents through mass

media and the platform of property management companies, stressing in particular their legal liability in relation to renovation and repair works and the legal consequence and loss in case of accidents. This is to ensure these stakeholders understand that it is in their interest to protect the safety of workers, and at the same time give them an incentive to engage contractors with good safety record.

***Utilising Lessons Learnt from Accidents***

61. Currently, LD informs the public and the industry of the cause of fatal accidents and preventive measures by way of Work Safety Alerts and Accident Casebooks. For more effective sharing of lessons learnt from accidents, thereby educating different stakeholders on how to fulfil their responsibilities properly, we recommend that LD enrich the content of the publications and information on analysis of accidents, adding the role and responsibility of various stakeholders and how they can avoid accidents.

## Our Recommendations

62. In view of the above, the Office has made the following recommendations to LD, BD and DEVB:

***LD***

(1) explore formulating templates of inspection checklist for different types of high-risk operations and attach them to the relevant codes of practice for use by "competent persons" during inspections or examinations to tighten control;

(2) conduct a comprehensive review of the existing requirements for maintenance of inspection records by "competent persons" regarding different types of high-risk operations, specifying the inspection records to be maintained and the need to produce such records upon the instruction of LD officers;

(3) consider implementing a random checking system to examine the inspection records of "competent persons" during visits to construction sites so as to enhance monitoring;

(4) continue to take stringent enforcement actions against any breach of OSH legislation by "competent persons" found. Apart from instituting prosecutions, LD should also refer cases of misconduct of "competent persons" to the organisations responsible for their registration for examining their professional qualifications or taking disciplinary action;

(5) in the long run, explore the development of an electronic platform for contractors and "competent persons" to upload inspection records and forms to facilitate monitoring and random checking so as to curb unprofessional or even fraudulent conduct such as filling in the inspection date in advance;

(6) examine how to utilise the experience gained in the special enforcement operations against high-risk operations in further enhancing the effectiveness of routine safety inspections so as to identify and handle unsafe operations in construction sites as soon as possible;

(7) review the operational guidelines on the conduct of in-depth surprise inspections for more precise selection of high-risk construction sites and proper follow-up on sites inspected to ensure systemic improvement of site safety;

(8) provide guidelines on area patrols to occupational safety officers to guide the identification of construction sites with higher risk for inspection;

(9) remind occupational safety officers of the importance of proper compilation of inspection records and provide guidance on ways of improvement so as to facilitate examination of the inspection quality by the management;

(10) thoroughly review and improve the inspection checklist to ensure that all important items are included, and require occupational safety officers to record the results of each item during inspections;

(11) review the process of reporting work by occupational safety officers to identify areas for streamlining, and explore how to utilise information management systems to reduce document processing for efficiency enhancement;

(12) explore wider use of advanced technology and procurement of suitable electronic products to facilitate inspections and enforcement actions by frontline staff;

(13) consider devising a mechanism for selecting suitable construction sites of private developments to participate in meetings of safety committees, so as to stay in tune with the safety risks of the sites and give advice and urge contractors to manage site safety;

(14) continue to pursue legislative amendment work to enhance the statutory notification mechanism for construction works;

(15) maintain the number of construction sites reported under the statutory notification mechanism through an information computer system, and compile the compliance rate for the conduct of the first inspection for monitoring purposes;

(16) review and improve the current mode of calculation and maintenance of data regarding construction sites and inspections to ensure effective analysis for formulation and adjustment of work strategies;

(17) when the same kind of irregularities (such as unsafe operations of work-at-height) has been found repeatedly in a construction site, in addition to issuing improvement notices to demand rectification of individual irregularities, strengthen the intensity of enforcement and even adjust its strategies so as to urge systemic improvement of the construction site;

(18) take stringent enforcement actions and make good use of the extended time limit for prosecution to collect evidence as well as institute prosecutions against suitable cases on indictment to increase the deterrent effect;

(19) after the new penalties for OSH offences have been in force for a period of time, conduct a systemic analysis to review its prosecution work and the penalties imposed by the Court in convicted cases;

(20) take more proactive steps to follow up on the performance of registered safety auditors and registered safety officers on the monitoring list by, for example, making close observations of their actual performance on the site and careful examination of the reports they submit so as to enhance the quality of their work;

(21) more proactively inspect the conduct of safety audit by registered safety auditors and consider setting a percentage of random checks. By doing so, LD can alert registered safety auditors to its random checks on their work in order to urge upon them the need to carefully perform their duties. It can as well enable LD to monitor safety auditors' performance and give advice on any areas for improvement through means other than scrutiny of audit reports;

(22) drawing on the painful lessons from previous fatal accidents, remind site personnel including registered safety officers and registered safety auditors of the issues to which they should pay attention during routine inspections or safety audit so as to strengthen their ability to detect irregularities in site operations and enhance the quality of their work;

(23) step up the monitoring of course providers and trainers engaging in mandatory safety training courses and carry out surprise checks in a timely manner to ensure their quality. In case of irregularities, the Department should be decisive in taking regulatory action;

(24) continue to share with CIC and OSHC its observation from routine inspections and enforcement actions as well as lessons learnt from accidents for designing or reviewing the content of safety training courses;

(25) consider coordinating efforts of relevant departments and organisations to set up a thematic website on OSH in the construction industry to provide a convenient platform for various stakeholders and the public to look for information they need;

(26) as a short-term measure, consider providing on its website hyperlinks to information from various departments and organisations in a systematic manner, categorised by topics relating to OSH in the construction industry, for reference by stakeholders and members of the public;

(27) step up its publicity and encourage owners' corporations, owners and residents engaging in renovation and repair works to notify LD of such works via property management companies for timely action by LD;

(28) step up publicity and education among owners, owners' corporations, property management companies and residents through the mass media and the platform of property management companies, stressing in particular their legal liability in relation to renovation and repair works and the legal consequence and loss in case of accidents;

(29) enrich the content of the publications and information on analysis of accidents, adding the role and responsibility of various stakeholders and how they can avoid accidents;

***BD***

(30) speed up processing of the cases previously omitted and promptly refer cases warranting disciplinary action to the Registered Contractors' Disciplinary Board so as to bring non-compliant contractors to account;

(31) set up a mechanism for internal monitoring to ensure timely follow-up on all referrals from LD for consideration of disciplinary action against convicted contractors;

(32) review Criterion 1 under the disciplinary system and consider whether the threshold should be lowered for more effective prevention;

***DEVB***

(33) continue to review the tender evaluation system for public works in a timely manner to ensure that only contractors whose performance meets the safety standards would be awarded contracts;

(34) continue to review the regulating requirement regarding contravention of legislation related to site safety for more effective prevention of accidents;

(35) continuously instruct all works departments to learn from previous accidents and stringently monitor the site safety performance of contractors to ensure safety;

(36) after various promotional measures have been implemented for a period of time, review the adoption of the Smart Site Safety System and, with reference to the feedback from the industry, step up efforts to encourage and support wider use of the system in private development sites so as to enhance site safety by means of technology;

(37) as regards public works project sites having records of accidents despite full adoption of the Smart Site Safety System, thoroughly examine the causes of the accidents to identify the problem, implement improvement measures and share the lessons learnt with the industry, thereby maximising the effectiveness of the system in preventing accidents;

(38) share with CIC the experience of safety training in public works for its consideration of offering subsidies as incentive, with a view to extending such safety training to private works projects to enhance site safety;

***LD and BD***

(39) explore any room for further collaboration on accident investigations to enhance the efficiency and effectiveness of their investigation work; and

***DEVB and BD***

(40) expedite the amendment to the Buildings Ordinance to enhance the disciplinary system.

**Office of The Ombudsman**
**March 2025**

**We will post the case summary of selected investigation reports on social media from time to time. Follow us on Facebook and Instagram to get the latest updates.**

**Facebook.com/Ombudsman.HK**

**Instagram.com/Ombudsman_HK**